

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

July 9, 2012

TO: Internal File

THRU: Steve Christensen, Lead *SC*

FROM: Joe Helfrich, Biology, Land Use, Cultural Resources *JH*

RE: Burma Evaporation Pond, Genwal Resources Inc., Crandall Canyon Mine, C015/0032, Task ID #4138

SUMMARY:

On June 22, 2012 the Division received Genwal Resources response to the deficiencies noted in task 3997 for the construction of the Burma evaporation pond. This memo will include a response to the information provided in the document as related to the biology, land use and cultural resource sections of the regulations.

SUMMARY of DEFICIENCIES:

R645-301-320, the proposed text, "*The Dominant vegetative community over the entire project area is pinyon-juniper. Map 1 of the Vegetation, Wildlife Habitat & sensitive Species report is an aerial photo showing the total area as being chained pinyon-juniper*", is appropriate and needs to be included in the Vegetation and Wildlife report of the Burma evaporation pond application. [JCH]

R645-301-322, The proposed text, "*As is discussed on page 12 of the Vegetation, Wildlife Habitat & Sensitive Species report, the entire area (shown on Map 1) is considered crucial winter range for Rocky Mountain elk and Mule deer. The entire study area (shown on Map 1) is considered year-long substantial habitat for Black bear. Finally, the entire area (pinyon-juniper) could be used by Ferruginous hawks because they often nest in this community*", is appropriate and needs to be included in the Vegetation and Wildlife report of the Burma evaporation pond application. [JCH]

A map and copy of the May 9th raptor survey performed by EIS needs to be included in the application. [JCH]

The mine water consumption calculations (in acre feet per year) for the Crandall Canyon mine need to be included in chapter 5, Appendix 7-66 of the application. [JCH]

R645-301-422, the application needs to include a description of the coordination and compliance efforts which have been undertaken by the applicant with the Utah Bureau of Air Quality. [JCH]

R645-301-244, -301-353, -301-354, -301-355, - 301-356, -302-280, -302-281, -302-282, -302-283, -302-284, the application needs to include statements that describe how the following requirements will be achieved:

Revegetation: General Requirements, Timing, Mulching and Other Soil Stabilizing Practices and Standards for Success. References to the appropriate sections of Volume A of the MRP may be cited. [JCH]

TECHNICAL ANALYSIS:

GENERAL CONTENTS

PERMIT APPLICATION FORMAT AND CONTENTS

Regulatory Reference: 30 CFR 777.11; R645-301-120.

Analysis:

The application has been formatted in accordance with the R645 regulations.

Findings:

The information in the application is adequate to meet the requirements of this section of the regulations.

ENVIRONMENTAL RESOURCE INFORMATION

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783., et. al.

VEGETATION RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.19; R645-301-320.

Analysis:

The proposed text, "*The Dominant vegetative community over the entire project area is pinyon -juniper. Map 1 of the Vegetation, Wildlife Habitat & sensitive Species report is an aerial photo showing the total area as being chained pinyon -juniper*", is appropriate and needs to be included in the Vegetation and Wildlife report of the Burma evaporation pond application.

Findings:

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The information in the application is not adequate to meet the requirements of this section of the regulations. Prior to approval the following information must be provided in accordance with; **R645-301-320**, the proposed text, "*The Dominant vegetative community over the entire project area is pinyon -juniper. Map 1 of the Vegetation, Wildlife Habitat & sensitive Species report is an aerial photo showing the total area as being chained pinyon -juniper*", is appropriate and needs to be included in the Vegetation and Wildlife report of the Burma evaporation pond application.

FISH AND WILDLIFE RESOURCE INFORMATION

Regulatory Reference: 30 CFR 784.21; R645-301-322.

Analysis:

The proposed text, "*As is discussed on page 12 of the Vegetation, Wildlife Habitat & Sensitive Species report, the entire area (shown on Map 1) is considered crucial winter range for Rocky Mountain elk and Mule deer. The entire study area (shown on Map 1) is considered year-long substantial habitat for Black bear. Finally, the entire area (pinyon-juniper) could be used by Ferruginous hawks because they often nest in this community*", is appropriate and needs to be included in the Vegetation and Wildlife report of the Burma evaporation pond application.

A map and copy of the May 9th raptor survey performed by EIS needs to be included in the application.

The mine water consumption calculations (in acre feet per year) for the Crandal Canyon mine need to be included in chapter 5, Appendix 7-66 of the application. The calculations for the pond have been provided.

Findings:

The information in the application is not adequate to meet the requirements of this section of the regulations. Prior to approval the following information must be provided in accordance with; **R645-301-322**, The proposed text, "*As is discussed on page 12 of the Vegetation, Wildlife Habitat & Sensitive Species report, the entire area (shown on Map 1) is considered crucial winter range for Rocky Mountain elk and Mule deer. The entire study area (shown on Map 1) is considered year-long substantial habitat for Black bear. Finally, the entire area (pinyon-juniper) could be used by Ferruginous hawks because they often nest in this community*", is appropriate and needs to be included in the Vegetation and Wildlife report of the Burma evaporation pond application. [JCH]

A map and copy of the May 9th raptor survey performed by EIS needs to be included in the application. [JCH]

The mine water consumption calculations (in acre feet per year) for the Crandal Canyon mine need to be included in chapter 5, Appendix 7-66 of the application. [JCH]

R645-301-422, the application needs to include a description of the coordination and compliance efforts which have been undertaken by the applicant with the Utah Bureau of Air Quality. [JCH]

LAND-USE RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.22; R645-301-411.

Analysis:

Chapter 4, paragraph 3 of appendix 7-66 states that *"There will be no change in the current land use of the area following reclamation. The present land use supports wildlife and livestock grazing, and no change in grazing activity will occur after reclamation"*.

Findings:

The information is adequate to meet the requirements of this section of the regulations.

OPERATION PLAN

PROTECTION OF PUBLIC PARKS AND HISTORIC PLACES

Regulatory Reference: 30 CFR 784.17; R645-301-411.

Analysis:

The last sentence in chapter 4 includes the following statement *"There are no public parks or historic places within the proposed disturbed area"*.

Findings:

The information is adequate to meet the requirements of this section of the regulations.

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AIR POLLUTION CONTROL PLAN

Regulatory Reference: 30 CFR 784.26, 817.95; R645-301-244, -301-420.

Analysis:

The application needs to include a description of the coordination and compliance efforts which have been undertaken by the applicant with the Utah Bureau of Air Quality.

Findings:

The information in the application is not adequate to meet the requirements of this section of the regulations. Prior to approval the following information must be provided in accordance with; **R645-301-422**, the application needs to include a description of the coordination and compliance efforts which have been undertaken by the applicant with the Utah Bureau of Air Quality. [JCH]

FISH AND WILDLIFE INFORMATION

Regulatory Reference: 30 CFR Sec. 784.21, 817.97; R645-301-322, -301-333, -301-342, -301-358.

Analysis:

Protection and Enhancement Plan

The text in chapter 4 of Appendix 7-66 has been revised to include the following commitment: "UEI will partner with the Division of Wildlife Resources, DWR, in a Utah Partners in Conservation Development, UPCD project, pinyon-juniper treatment for deer and elk crucial winter range, in locations at or near the Burma pond or as designated by DWR. Funding will be provided by UEI for approximately 5.6 acres of habitat improvement based on a cost per acre provided by DWR".

Findings:

R645-301-422, the application needs to include a description of the coordination and compliance efforts which have been undertaken by the applicant with the Utah Bureau of Air Quality. [JCH]

The information is adequate to meet the requirements of this section of the regulations.

RECLAMATION PLAN

POSTMINING LAND USES

Regulatory Reference: 30 CFR Sec. 784.15, 784.200, 785.16, 817.133; R645-301-412, -301-413, -301-414, -302-270, -302-271, -302-272, -302-273, -302-274, -302-275.

Analysis:

Chapter 4, paragraph 3 of appendix 7-66 states that *“There will be no change in the current land use of the area following reclamation. The present land use supports wildlife and livestock grazing, and no change in grazing activity will occur after reclamation”*.

Findings:

The information is adequate to meet the requirements of this section of the regulations.

REVEGETATION

Regulatory Reference: 30 CFR Sec. 785.18, 817.111, 817.113, 817.114, 817.116; R645-301-244, -301-353, -301-354, -301-355, -301-356, -302-280, -302-281, -302-282, -302-283, -302-284.

Analysis:

The application needs to include a statement that describes how the following requirements will be achieved:

Revegetation: General Requirements

Revegetation: Timing

Revegetation: Mulching and Other Soil Stabilizing Practices

Revegetation: Standards For Success

References to the appropriate sections of Volume A of the MRP may be cited.

Findings:

TECHNICAL MEMO

The information in the application is not adequate to meet the requirements of this section of the regulations. Prior to approval the following information must be provided in accordance with; **R645-301-244, -301-353, -301-354, -301-355, - 301-356, -302-280, -302-281, -302-282, -302-283, -302-284**, the application needs to include a statement that describes how the following requirements will be achieved:

Revegetation: General Requirements, Timing, Mulching and Other Soil Stabilizing Practices and Standards for Success. References to the appropriate sections of Volume A of the MRP may be cited. [JCH]

RECOMMENDATIONS:

The application is not recommended for approval at this time.